



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,790	06/04/2001	Jody L. Terrill	10002274-1	5821

7590 05/31/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,790

Applicant(s)

TERRILL, JODY L.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 17, 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's Amendment/Request for Reconsideration filed on March 17, 2005. Claims 1-27 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al (hereinafter, "Carney", U.S. Pat. No. 6,449,663) in view Duke et al (hereinafter, "Duke", U.S. Pat. No. 6,573,910)

As per claims 1, 26 and 27, Carney discloses a method and computer program for adapting the polling rate for collecting job information from a device, the method comprising the steps of:

- querying a device for job information (col. 3, lines 29-36, lines 56-67 and col. 4, lines 1-14); and
- determining a state of job progress from the job information (col. 4, lines 27-34).

Although Carney discloses the status of the job information within the MIB, Carney does not explicitly disclose:

- setting a delay time depending upon the state of job progress; and

Art Unit: 2157

- querying the device for job information after the delay time has passed.

Duke discloses a method and system for interactive, distributed job processing comprising:

- setting a delay time depending upon the state of job progress (col. 5, lines 60-67, col. 6, lines 1-5 and lines 41-61; Duke discloses a scheduler/rescheduler that provides information to the processor about the action taken on the job and reschedule (set a delay) the job action. Therefore, Duke implicitly disclose setting a delay time depending upon the state of the job progress); and
- querying the device for job information after the delay time has passed (col. 5, lines 60-67, col. 6, lines 1-5 and lines 41-61).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the state of job in order to process the job information in a timely and efficient manner.

As per claim 2, Carney discloses:

- wherein an application-layer protocol is employed to poll the device (col. 2, lines 60-67 and col. 3, lines 1-22).

As per claim 3, Carney discloses:

- wherein a network management protocol request is employed to poll the device (col. 3, lines 23-36).

As per claim 4, Carney discloses:

- wherein a Simple Network Management Protocol (SNMP)-enabled application is employed to poll the device (col. 3, lines 3-12).

As per claim 5, Carney discloses:

- wherein the device is a network-connected device (col. 3, lines 50-55).

As per claim 6, Carney discloses:

- wherein the device is a printer (col. 2, lines 52-53).

As per claim 7, Carney discloses:

- wherein the job information comprises print job information (col. 3, lines 29-43).

As per claim 8, Carney discloses the invention substantially as claims discussed above:

However, Carney does not explicitly disclose:

- wherein the delay time is set to be no less than an acceptable delay time.

Duke discloses a method and system for interactive, distributed job processing comprising:

- wherein the delay time is set to be no less than an acceptable delay time (col. 5, lines 60-67, col. 6, lines 1-5 and lines 41-61).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the state of job in order to process the job information in a timely and efficient manner.

As per claim 9, Carney discloses the invention substantially as claims discussed above.

However, Carney does not explicitly disclose:

- adjusting an expected job completion time depending upon the state of job progress;
and
- determining the delay time from the expected job completion time.

Duke discloses a method and system for interactive, distributed job processing comprising:

Art Unit: 2157

- adjusting an expected job completion time depending upon the state of job progress (col. 10, lines 53-67 and col. 11, lines 1-5); and
- determining the delay time from the expected job completion time (col. 5, lines 60-67, col. 6, lines 1-5 and lines 41-61; Duke discloses a scheduler/rescheduler that provides information to the processor about the action taken on the job and reschedule (set a delay) the job action. Therefore, Duke implicitly discloses setting a delay time depending upon the state of the job progress).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the state of job in order to process the job information in a timely and efficient manner.

As per claim 10, Carney discloses the invention substantially as claims discussed above.

However, Carney does not explicitly disclose:

- wherein the delay time is set to be less than the expected job completion time.

Duke discloses a method and system for interactive, distributed job processing comprising:

- wherein the delay time is set to be less than the expected job completion time (col. 5, lines 60-67, col. 6, lines 1-5 and lines 41-61).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the

As per claim 11, Carney discloses the invention substantially as claims discussed above.

However, Carney does not explicitly disclose:

Art Unit: 2157

- wherein the delay time is set to be approximately one half of the expected job completion time.

Duke discloses a method and system for interactive, distributed job processing comprising:

- wherein the delay time is set to be approximately one half of the expected job completion time (col. 5, lines 60-67, col. 6, lines 1-5 and lines 41-61).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the

As per claim **12**, Carney discloses the invention substantially as claims discussed above.

However, Carney does not explicitly disclose:

- wherein the delay time is set to be within a range of values bounded by a minimum delay time and a maximum delay time.

Duke discloses a method and system for interactive, distributed job processing comprising:

- wherein the delay time is set to be within a range of values bounded by a minimum delay time and a maximum delay time (col. 5, lines 60-67, col. 6, lines 1-5 and lines 41-61).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the

As per claim **13**, Carney discloses a method for adapting the polling rate for collecting job information from a device, the method comprising the steps of:

Art Unit: 2157

- querying a device for information (col. 3, lines 29-36, lines 56-67 and col. 4, lines 1-14).

However, Carney does not explicitly disclose:

- determining an expected job completion time from the information;
- setting a delay time depending upon the expected job completion time; and
- querying the device for job information after the delay time has passed.

Duke discloses a method and system for interactive, distributed job processing comprising:

- determining an expected job completion time from the information (col. 10, lines 53-67 and col. 11, lines 1-5); and
- setting a delay time depending upon the expected job completion time (col. 5, lines 60-67, col. 6, lines 1-5 and lines 41-61; Duke discloses a scheduler/rescheduler that provides information to the processor about the action taken on the job and reschedule (set a delay) the job action. Therefore, Duke implicitly discloses setting a delay time depending upon the state of the job progress).
- querying the device for job information after the delay time has passed (col. 5, lines 60-67, col. 6, lines 1-5 and lines 41-61).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the state of job in order to process the job information in a timely and efficient manner.

As per claim 14, Carney discloses:

- wherein the information comprises a rated speed of the device (col. 5, lines 37-45).

As per claim **15**, Carney discloses:

- wherein the rated speed is a rated engine speed (col. 5, lines 37-45).

As per claim **16**, Carney discloses:

- wherein the rated speed is a rated print speed (col. 5, lines 37-45).

As per claim **17**, Carney discloses the invention substantially as claims discussed above.

However, Carney does not explicitly disclose:

- wherein the expected job completion time is a best case job completion time.

Duke discloses a method and system for interactive, distributed job processing comprising:

- wherein the expected job completion time is a best case job completion time (col. 10, lines 53-67 and col. 11, lines 1-5).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the state of job in order to process the job information in a timely and efficient manner.

As per claim **18**, Carney disclose a method for adapting the polling rate for collecting job information from a device, the method comprising the steps of:

- (a) querying a device for device and/or job information according to a polling rate (col. 3, lines 29-36, lines 56-67 and col. 4, lines 1-14); and
- (c) repeating steps (a) and (b) until a job associated with the device and/or job information is completed (col. 3, lines 66-67, col. 4, lines 1-7, lines 52-60 and col. 5, lines 46-54).

However, Carney does not explicitly disclose:

- (b) adjusting the polling rate depending upon the device and/or job information.

Art Unit: 2157

Duke discloses a method and system for interactive, distributed job processing comprising:

(b) adjusting the polling rate depending upon the device and/or job information (col. 10, lines 53-67 and col. 11, lines 1-5).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the state of job in order to process the job information in a timely and efficient manner.

As per claim **19**, Carney discloses the invention substantially as claims discussed above.

However, Carney does not explicitly disclose:

- wherein the polling rate is adjusted such that a delay time until a next query to the device is no less than an acceptable delay time.

Duke discloses a method and system for interactive, distributed job processing comprising:

- wherein the polling rate is adjusted such that a delay time until a next query to the device is no less than an acceptable delay time lines 53-67 and col. 11, lines 1-5).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the state of job in order to process the job information in a timely and efficient manner.

As per claims **20**, Carney discloses the invention substantially as claims discussed above.

However, Carney does not explicitly disclose:

- wherein the polling rate is adjusted such that a delay time until a next query to the device is set to be within a range of values bounded by a minimum delay time and a maximum delay time (col. 4, lines 52-60).

Duke discloses a method and system for interactive, distributed job processing comprising:

- wherein the polling rate is adjusted such that a delay time until a next query to the device is set to be within a range of values bounded by a minimum delay time and a maximum delay time lines 53-67 and col. 11, lines 1-5).

Given the teaching of Duke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scheduler/rescheduler within Carney's Management Information Base allowing changes to the schedules of the job according to the state of job in order to process the job information in a timely and efficient manner.

As per claim **21**, Carney discloses wherein the device information comprises:

- a function performance rating (col. 3, lines 29-43).

As per claim **22**, Carney discloses wherein the function performance rating is:

- a printing speed rating (col. 5, lines 37-45).

As per claim **24**, Carney discloses wherein the job information comprises:

- job progress information (col. 5, lines 37-45).

As per claim **24**, Carney discloses wherein the job progress information comprises:

- print job progress information (col. 5, lines 37-45).

As per claim **25**, Carney discloses wherein the job information comprises:

- print job information (col. 5, lines 37-45).

Response to Arguments

3. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

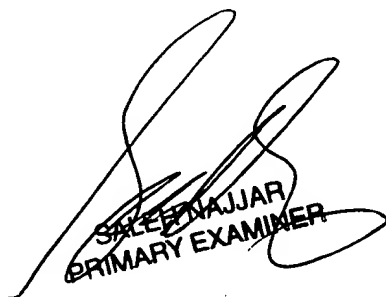
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ltj
May 24, 2005


SALEEM NAJJAR
PRIMARY EXAMINER

LaShonda T Jacobs
Examiner
Art Unit 2157